

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA**

**LOUIS ANTHONY GALLO, Administrator of )  
the Estate of Anthony Edward Gallo, )  
deceased, )**

**Plaintiff,**

**CHAD WEAVER, in his Individual Capacity; )  
JOSEPH RUGGERY, DALE BROWN, )  
STEVEN DRISCOLL and JOHN KEAN )  
all in their Individual Capacities; )**

**Defendants.**

**Civil Action No. 2:19-cv-1260**

**TYPE OF PLEADING:**

**PLAINTIFF COUNSEL'S  
PETITION FOR  
ENHANCEMENT OF AWARD  
OF ATTORNEY FEES.**

**NATURE OF CASE:  
Section 1983 Civil Rights Action  
Excessive/Deadly Force**

**COUNSEL FOR PLAINTIFF:  
Noah Geary, Esquire  
123 Washington Street  
Washington, PA 15301  
724-222-3788  
PA ID 78382**

**June 19, 2024**

**MOTION FOR ENHANCEMENT OF COUNSEL FEES AWARD.**

**AND NOW COMES** the Plaintiff, Louis Anthony Gallo, Administer of the Estate of Anthony Gallo, deceased, by and through his attorney, Noah Geary, and Noah Geary, Esquire, and in light of the outcome in this case, hereby respectfully files this Motion for application of a Fee Enhancer/Multiplier of the award of attorney fees in this case, and in support, submits as follows:

1. Plaintiff's counsel obtained a \$21 Million Verdict against Defendant Weaver in this case.

2. Separate from the Lodestar approach of determining the fair hourly rate of Plaintiff's counsel and the reasonableness of the hours expended in litigating this case, a fee enhancement or fee multiplier exists in Civil Rights Jurisprudence.

3. In Goodman vs. PA Turnpike Commission, 293 F.3d 655 (3<sup>rd</sup> Cir. 2002), the Third Circuit, citing Rode vs. Dellarciprete, 892 F.2d 1177 (3<sup>rd</sup> Cir. 1990), recognized the concept that a fee enhancement or fee multiplier is justified in:

“those very rare circumstances where the attorney's work is so superior and outstanding that it far exceeds the expectations of clients and normal levels of competence”

and thus justifies an increase in the awarded fee. Goodman at 677.

4. Other circuits recognize the fee enhancement/fee multiplier as well. Jordan vs. City of Cleveland, 464 F.3d 584 (6<sup>th</sup> Circuit, 2006)(In some cases of ‘exceptional success’ counsel may be entitled to a fee multiplier [cite omitted]; page 605).

5. The offer to settle this case of the Defendants was ‘six figures’.

6. Plaintiff's counsel obtained a verdict 210 times that amount.
7. The Verdict is believed to be the 2<sup>nd</sup> highest Verdict in a Civil Rights Case in the Western District of Pennsylvania. (*A 28 Million Verdict was obtained by Geoffrey Fieger*).
8. Plaintiff's Counsel has submitted a Declaration of Timothy O'Brien, Esquire, confirming that the hours worked in this case are reasonable as well as is the request for approval at the rate of \$700.00 per hour.
9. Attorney O'Brien, at least since the undersigned counsel began practicing law in 1996, has been the "Dean" or "Guru" of Plaintiff's Civil Rights representation in Pittsburgh, the Western District of Pennsylvania, Southwestern Pennsylvania, and beyond.
10. In short, the Verdict obtained in this case, not as a matter of "puffing" by Plaintiff's counsel but of actual fact, is an extraordinary, rare result which satisfies the criteria for a fee enhancement.
11. The undersigned counsel accordingly respectfully requests this Court to consider and to grant an enhancement of the attorney fees awarded in this case, and is asked to double the award.

**WHEREFORE**, the Plaintiff/Plaintiff's Counsel respectfully requests this Court to consider and approve of this request, and/or to otherwise make an enhancement to the award of attorney fees as the Court sees fit.

Respectfully submitted,

/s/ Noah Geary  
Noah Geary  
123 Washington Street  
Washington, PA 15301  
724-222-3788  
PA ID 78382

**CERTIFICATE OF SERVICE:**

I hereby certify that I served the following **Plaintiff's MOTION FOR  
ENHANCEMENT OF ATTORNEY FEES** upon Scott Bradley, Esquire this day via ecf-filing:

June 19, 2024

/s/ Noah Geary  
Noah Geary, Esquire  
Attorney for Plaintiff